

**APR 11 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON**  
**U.S. COURT OF APPEALS**

SARAH D'ANGELO, individually and on  
behalf of all others similarly situated;  
RODNEY E. GIBSON, individually and on  
behalf of all others similarly situated;  
BRYCE FLOCH, individually and on behalf  
of all others similarly situated,

Plaintiffs - Appellants,

v.

RICHARD A. CROFTS; E. EDWIN ECK;  
PHILIP T. BAIN; BONNIE ASHLEY;  
CHARLES A. NELSON; MARLENE  
BUMBECK,

Defendants - Appellees.

No. 02-35811

D.C. No. CV-02-00016

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Richard F. Cebull, District Judge, Presiding

Argued and Submitted March 6, 2003  
Seattle, Washington

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\* This disposition is not appropriate for publication and may not be cited to or  
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Before: REINHARDT, W. FLETCHER and GOULD, Circuit Judges.

1. For the reasons stated in our disposition in the companion case, *Young v. Crofts*, No. 01-35998, we reverse the district court's ruling that all named plaintiffs other than Gibson lacked standing on the ground, stated by the district court, that they did not formally apply for residency.
2. Based on our ruling in *Young*, the statute of limitations question presented in this appeal may now be moot, for plaintiff Gibson will likely be able to participate as a class member or a named plaintiff in the *Young* suit. If Gibson is able to obtain the same relief in the *Young* action, he will not be adversely affected by his inability to participate in this action. Whether the statute of limitations affects Gibson will depend in part on whether, and in what manner, the district court combines the two actions. We therefore decline to address the statute of limitations issue at this time.
3. The district judge did not abuse his discretion by refusing to recuse himself in this case.

REVERSED and REMANDED.